

ORDINANCE NO. 2002-036

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE CHAPTER 2, ARTICLE III, DIVISION 2, PART A (THE PALM BEACH COUNTY PURCHASING ORDINANCE); AMENDING SECTION 2-54 "SOURCE SELECTION"; AMENDING SECTION 2-54(b) "COMPETITIVE PROPOSAL PROCESS"; AMENDING SECTION 2-54(d) "PROTESTED SOLICITATIONS AND AWARDS"; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, The Board of County Commissioners of Palm Beach County enacted the "Palm Beach County Purchasing Ordinance" (codified at Chapter 2, Article III, Division 2, Part A, sections 2-51 to 2-70 of the Palm Beach County Code of Laws and Ordinances), which provides for a central purchasing system governing the procurement of goods and services for the County; and

WHEREAS, the Board of County Commissioners desires to amend the Palm Beach County Purchasing Ordinance to provide the Board of County Commissioners with the specific authority to extend purchase orders or contracts with vendors/contractors originally selected through a competitive selection process up to twelve (12) months beyond the term period or any option periods stated in the purchase order or contract, where such extension is beneficial to the interests, health, safety or welfare of the county; and

WHEREAS, the Board of County Commissioners desires to amend the Palm Beach County Purchasing Ordinance to authorize the director of purchasing to approve extensions of the forty-eight (48) hour period provided to the special master to submit their written recommendation following the conclusion of the protest hearing; and

WHEREAS, The Board of County Commissioners desires to make various other editorial changes to the Palm Beach County Purchasing Ordinance as set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. Palm Beach County Code Chapter 2, Article III, Division 2, Part A, Section 2-54, "Source selection," second paragraph, is amended as set forth below:

Nothing in the foregoing shall prohibit the board from renewing purchase orders or contracts

1 with vendors/contractors originally selected through a competitive selection process or from
2 purchasing goods, material or equipment for inclusion in a capital improvement project whose cost
3 has been incorporated as part of a bid selected in a competitive bidding process provided for herein.
4 Notwithstanding the provisions of subsection (a)(8), the director of purchasing may sign purchase
5 orders for the purchase of goods, material or equipment in any dollar amount included in such capital
6 improvement projects. Further, nothing in the foregoing shall prohibit the board from extending
7 purchase orders or contracts with vendors/contractors originally selected through a competitive
8 selection process beyond the term or option period set forth in the purchase orders or contracts when
9 the board determines that such an extension of the term or option period is beneficial to the interests,
10 health, safety or welfare of the county. However, any such extension of the term or option period
11 by the board shall not exceed twelve (12) months.

12 **Section 2.** Palm Beach Code Chapter 2, Article III, Division 2, Part A, Section 2-54(b)(2),
13 “Proposal evaluation” is amended as set forth below:

14 Staff shall recommend award to the responsive, responsible offerer whose proposal is
15 determined to be the most advantageous to the county. Evaluation of offerers and/or proposals may
16 be made in a multistep process as set forth in the rules and regulations of purchasing or in the request
17 for proposal or request for information and shall be based upon factors of responsibility set forth in
18 subsection (a)(7)(b) of this section and upon factors of responsiveness, quality and innovation based
19 upon criteria set forth in the request for proposals or request for information and any other relevant
20 information obtained through the evaluation process. Such criteria may include but may or may not
21 be limited to price.

22 **Section 3.** Palm Beach Code Chapter 2, Article III, Division 2, Part A, Section 2-
23 54(d)(3)(e)(1)(i), is amended as set forth below:

24 At the conclusion of the hearing, the special master is encouraged to orally render his or her
25 recommendation, specifying the basis for such recommendation on the record. The special master
26 shall submit his or her recommendation in writing to the director of purchasing within forty-eight
27 (48) hours of the conclusion of the hearing, unless an extension has been approved by the director
28 of purchasing. The director of purchasing shall distribute a copy of the special master’s
29 recommendation to the protestor and all participating directly affected parties.

1 **Section 4. REPEAL OF LAWS IN CONFLICT:**

2 All local laws and ordinances in conflict with any provisions of this Ordinance are hereby
3 repealed to the extent of such conflict.

4 **Section 5. SEVERABILITY:**

5 If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason
6 held by the Court to be unconstitutional, inoperative, or void, such holding shall not affect the
7 remainder of this Ordinance.


8 **Section 6. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

9 The provisions of this Ordinance shall become and be made a part of the Code of Laws and
10 Ordinances of Palm Beach County, Florida. The sections of this Ordinance may be renumbered or
11 relettered to accomplish such, and the word "ordinance" may be changed to "section", "article", or
12 other appropriate word.

13 **Section 7. EFFECTIVE DATE:**

14 The provisions of this Ordinance shall become effective upon filing with the Department of
15 State.

16 APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County,
17 Florida, on this the 20 day of August, 2002.

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20 DOROTHY H. WILKEN, CLERK
 Board of County Commissioners
By Linda C. Hickman  PALM BEACH COUNTY, FLORIDA, BY ITS
 DEPUTY CLERK BOARD OF COUNTY COMMISSIONERS
21 By: Warren H. Newell for
22 Warren H. Newell, Chairman

23 APPROVED AS TO FORM AND
24 LEGAL SUFFICIENCY

25 By: [Signature]
26 County Attorney

27 EFFECTIVE DATE: Filed with the Department of State on the 28 day of Aug., 2002.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on August 20, 2002
3 DATED at West Palm Beach, FL on 9/19/02.
DOROTHY H. WILKEN, Clerk
By: Viane Brown D.C.